

REMARKS/ARGUMENTS

In the Final Office Action of June 4, 2010, claims 1-3 and 5-21 were rejected. Specifically, claims 1-3, 5-9, 11 and 13-21 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Pellerin et al. (WO 02/075781 A2, hereinafter “Pellerin”) in view of Krivokapic (U.S. Pat. No. 6,888,198). Claims 10 and 12 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Pellerin in view of Krivokapic, and further in view of Yang et al. (U.S. Pat. Pub. No. 2003/0162359, hereinafter “Yang”).

On August 4, 2010, a telephone interview between the undersigned attorney and Examiners Trang Q. Tran and Cuong Q. Nguyen was conducted. In the telephone interview, proposed amendment to independent claim 1 was discussed. However, no agreement with respect to allowability of the pending claims was reached. After the telephone interview, on August 4, 2010, proposed claim amendments were emailed to Examiner Tran for her review. On August 24, 2010, Examiner Trang Q. Tran stated in an email reply that the proposed amendments would overcome the cited references.

In view of the telephone interview and the email reply, Applicants have amended the claims accordingly. In particular, claims 1 and 14 have been amended and claims 11 and 13 have been canceled. Specifically, claim 1 has been amended to include the limitations of claims 11 and 13 and to recite in part that “*the side wall spacer is made of one material.*” Support for the amendment to claim 1 is found in Applicants’ specification at, for example, Figs. 2, 10 and 11, page 5, line 33-page 6, line 26, and page 10, line 4-page 11, line 26. Claim 14 has been amended to replace the phrase “a side of the gate” with the phrase “*the side of the gate.*”

Additionally, Applicants have filed herewith a Request for Continued Examination (RCE). Applicants hereby request reconsideration of the application in view of the claim amendments, the RCE and the above remarks.

CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the claim amendments and the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted on behalf of:

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